

**ARTICLE 27 #      A RESOLUTION OF THE TOWN OF ACTON**  
(Majority vote)      **AFFIRMING OUR CIVIL LIBERTIES**

**Whereas**, the Town of Acton denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, & health service professionals, and

**Whereas**, the Town of Acton values a diverse population whose contributions to the community are essential to its vitality and character, and

**Whereas**, the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and

**Whereas**, the First Amendment to the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances,” and

**Whereas**, the Fourth Amendment states “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,” and

**Whereas**, the Sixth Amendment guarantees defendants the following rights: “the right to a speedy and public trial, by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have the assistance of counsel for his defense,” and

**Whereas**, the Eighth Amendment states “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,” and

**Whereas**, the Fourteenth Amendment states “... nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of laws,” and

**Whereas**, we believe these liberties are precious & are now being threatened by the USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government’s ability to conduct secret searches;
- Gives the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as “terrorist organizations,” and
- Grants the FBI broad and unsupervised access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

**Whereas, Federal Executive Orders**

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI (i.e., covert activities that in the past targeted domestic groups and individuals), and
- Limit the disclosure of public documents & records under the Freedom of Information Act;

**Whereas, Town employees are prevented from protecting the constitutional rights of citizens of Acton according to Section 215 of the USA PATRIOT Act and are at risk of prosecution due to the conflict between said Section and the Constitution of the United States;**

**NOW, THEREFORE, in keeping with the spirit and history of the Town of Acton, BE IT RESOLVED THAT:**

1. The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.

2. The Town of Acton calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others' civil rights and civil liberties.

3. The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.

4. The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S.

Attorney General accompanied by a letter urging them to:

- Thoroughly and immediately assess the impact of the USA PATRIOT Act on individual civil liberties;
- Work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
- Closely monitor federal anti-terrorism tactics;
- Oppose further legislation & Executive Branch Orders that violate our Bill of Rights.

5. The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

**SUMMARY**

The USA PATRIOT Act was passed in haste following the September 11<sup>th</sup> terrorist attacks. While some portions of the Act are necessary to increase security, others – as written – conflict with the Constitution or are so vague that our basic civil liberties may be abused.

This Resolution reaffirms our town's strong belief in the Bill of Rights and asks the Town Manager to request that our representatives in Washington assess the impact of the USA PATRIOT Act, repeal provisions that infringe on our civil liberties, closely monitor government anti-terrorism tactics and oppose further provisions that may violate the Bill of Rights.

Direct inquiries to: Sue Kennedy – 264-9165 / Sid Levin – 263-6515 - Acton Citizens for the Bill of Rights

Selectman assigned: Walter Foster: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	No Recommendation

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The following Articles, 28 through 38, if adopted, make changes to the East Acton Village zoning district and introduce a new zoning district, East Acton Village 2, to implement the strategies in the East Acton Village Plan.

One of the goals of the Acton Master Plan (last updated in 1998) was to encourage the creation of plans for each of Acton's village centers: West Acton Village, South Acton Village, East Acton Village, and North Acton Village. During the 1990s, plans were created for West Acton and South Acton Villages. In the fall 2000, the Acton Board of Selectmen appointed a group of volunteers to create a plan for East Acton Village (EAV). The group was called the East Acton Village Planning Committee (EAVPC) and it consists of Acton residents, business and property owners.

The East Acton Village zoning district is located on both sides of Great Road (Route 2A) extending from the Concord town line to just west of the intersection with Concord Road. The committee focused its study on the East Acton Village zoning district and adjacent properties, but also considered the surrounding neighborhoods and businesses. It inventoried existing conditions, considered future conditions, and examined issues related to land use, zoning, development, transportation and infrastructure, housing, historic preservation, village character, and the environment. After several years of research, close to 100 committee meetings, surveys of residents and EAV businesses, and four formal public input meetings, the EAVPC has completed the East Acton Village Plan (EAV Plan).

The EAV Plan was adopted by the Planning Board on January 27, 2004 as an addendum to the Acton Master Plan.

The purpose of the EAV Plan is to encourage a more concentrated, cohesive, and identifiable East Acton Village. To enhance the village, recommendations are made in the EAV Plan that focus on East Acton Village:

- Becoming a more pedestrian and bicycle-friendly destination;
- Having a greater sense of community;
- Protecting the environment and enhancing community open spaces;
- Having safe, efficient traffic flow at reasonable speeds;
- Preserving EAV history and heritage;
- Allowing a moderate increase in density;
- Encouraging a mix of residences and businesses.

The following Articles, 28 through 38, represent these general goals, and if adopted, would begin to implement the East Acton Village Plan. All the East Acton Village-related Articles have been recommended by the Acton Planning Board and have received the support of the Economic Development Committee.

**ARTICLE 28** AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN  
(Two-thirds vote) **VILLAGE GREEN** REZONING

To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Limited Business (LB) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map G-4 as parcel 212, or take any other action relative thereto.

**SUMMARY**

This article would rezone a 2/3<sup>rd</sup>-acre town-owned property at 108 Great Road, on the northwest corner of Concord Road and Great Road. Railroad tracks on the western edge of the parcel separate it from another parcel and Ice House Pond, both of which are Town-owned and currently zoned ARC. The East Acton Railroad Depot was located in this area from the late 1800s through the early 1900s along with a green in the early 1900s. Both parcels, the one already zoned ARC and the one discussed in this article, are currently being considered for a new East Acton Village green. Additionally, the railroad right of way that separates the parcels is currently being planned for a rail trail (the “Bruce Freeman Rail Trail”). A survey conducted of East Acton residents and Town Meeting attendees in 2001 as part of the East Acton Village planning process found that respondents desired open space within East Acton Village. If adopted, this article would change the zoning from Limited Business (LB) to Agriculture, Recreation, Conservation (ARC), making it consistent with the uses and activities being considered and planned for the area, the desires of many Town residents, and the zoning of the adjacent Town-owned parcels.

Direct Inquiries to: Roland Bartl, AICP, Town Planner  
[planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: Robert Johnson – [ros@acton-ma.gov](mailto:ros@acton-ma.gov)

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	<u>Recommended</u>	<u>Recommended</u>	<u>Recommended</u>

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**ARTICLE 29**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **8 WETHERBEE STREET REZONING**

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To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Small Manufacturing (SM) to East Acton Village (EAV) an area of land shown in the 2003 Town Atlas on map G-5 as parcel 69, or take any other action relative thereto.

**SUMMARY**

This article would rezone a 1.5-acre property at 8 Wetherbee Street. This prominent parcel is the only business property located between Nashoba Brook, Concord Road, and Great Road not currently zoned East Acton Village (EAV). The close proximity of the parcel to the village makes it easily accessible by foot to village residents and visitors. Rezoning the parcel to EAV provides for its consistent treatment with land in the EAV zoning district and would encourage its future redevelopment consistent with the village scale and mixture of uses that have been described in the East Acton Village Plan. The existing business would be allowed to continue in the EAV zoning district as a pre-existing nonconforming use.

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Selectman assigned: Robert Johnson – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

To see if the Town will vote to amend the zoning bylaw, section 3 as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

- A. In the Table of Principal Uses, delete the EAV column and replace it with a new EAV column as follows *[Y = the use is allowed; N = the use is not allowed; SPA or SPS = the use may be allowed by special permit. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
<b>3.2 GENERAL USES</b>		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
<b>3.3 RESIDENTIAL USES</b>		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y [N]
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y(3) [N(3)]
<b>3.4 GOVERNMENTAL INSTITUTIONAL &amp; PUBLIC SERVICE USES</b>		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	N [SPS]
3.4.5	Public or Private Utility Facilities	SPS [Y]
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	N
3.4.11	Commercial Education or Instruction	Y [SPS]
<b>3.5 BUSINESS USES</b>		
3.5.1	Retail Store	SPS (11) [Y]
3.5.2	Office	SPS (11) [Y]
3.5.3	Health Care Facility	Y
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	Y
3.5.9	Lodge or Club	SPS

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.5.10	Veterinary Care	SPS [N]
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	N [Y]
3.5.15	Commercial Recreation (9)	SPS (11) [SPS]
3.5.16	Commercial Entertainment	Y [N]
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N [SPS]
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N [Y]
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
<b>3.6 INDUSTRIAL USES</b>		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

B. In the Table of Principal Uses, insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

C. Amend section 3.5.5 by adding at its end the following sentence:

“In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.”

*[Note: Section 3.5.5 currently reads:*

*3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]*

D. Delete section 3.5.6 and replace it with a new section 3.5.6 as follows:



- 3.5.6 Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of Sections 5.4 and 5.5.

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[Note: Section 3.5.6 currently reads:

*Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts. Business USES and DWELLING UNITS may in the same BUILDING or in separate BUILDINGS.]*

E. Insert a new section 3.9.3 as follows:

- 3.9.3 Nonresidential USES in the EAV District – In the EAV District, only the following USES shall be allowed on the ground floor of commercial or mixed use BUILDINGS: Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Veterinary Care; Services; Commercial Entertainment; Commercial Recreation; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; and Repair Shop, Technical Shop, Studio.

, or take any other action relative thereto.

### SUMMARY

This article would revise the use regulations for the East Acton Village (EAV) zoning district. It would provide for a greater variety of business types and sizes in the village, but prohibit new businesses of the kind that are not conducive to pedestrians, such as vehicle service stations. One of the goals is to encourage businesses with “walk-in” traffic on the ground floor of buildings, to discourage the appearance that such commercial space is abandoned, and to improve the feeling that the village district is a thriving and dynamic place to be. Allowing a greater variety of businesses as well as residential uses that would fit in the existing fabric of smaller buildings and properties in the village facilitates the economic reuse of historic structures. Villages require a minimum level of residences near or around them in order to become and remain viable. This article would permit additional types of housing common in traditional villages such as two-family dwellings and apartments above stores. Overall, the proposed changes in use regulations are intended to help keep the area vibrant during business and non-business hours.

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Recommended	Recommended

**ARTICLE 31**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **EAV DIMENSIONAL REGULATIONS**

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To see if the Town will vote to amend the zoning bylaw, section 5, Table of Standard Dimensional Regulations, by deleting the line for EAV and replacing it with a new line for EAV as follows: *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV	NR	NR	NR	10 (10)	NR (1)	25%	0.20 (4)	36
	[10,000]	[100]	[50]	[10(9)]	[10(1)]	[35%]		

and, delete in the first sentence of footnote (10) the words “SAV District” and replace them with the words “SAV and EAV Districts”.

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*[Note: The first sentence of footnote (10) currently reads: “The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20’) in the SAV District, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least”.]*

, or take any other action relative thereto.

### **SUMMARY**

This article would revise the dimensional regulations for the East Acton Village zoning district, making them more consistent with the patterns of traditional villages rather than highway commercial areas. If adopted, this article would allow newer buildings to be similarly aligned with the older, historic village buildings that are closer to Great Road. Minimum required setbacks would be reduced so that buildings can be situated to within 10 feet from the street right-of-way line (“front yard setback”) and up to the side and rear lot lines. For a business use abutting a residential district the side and rear setback abutting the residential district would remain at 30 feet (footnote 1). Minimum lot area, lot frontage and lot width requirements in the EAV zoning district would be removed to allow buildings to be situated closer together for the convenience of pedestrian shoppers and to encourage people to walk within the village rather than drive between businesses. The minimum open space requirement would be slightly reduced to allow more compact village development while still retaining the environmental health of the village. In addition, this article would allow owners of properties bordering Nashoba Brook to place buildings and additions further away from the brook and nearer to the street, helping to protect the water quality of the brook. Overall, this article would provide more flexibility to all property owners to redevelop and improve their properties in a way that is consistent with a village setting.

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Selectman assigned: Robert Johnson – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

**Recommendations:**      **Board of Selectmen**      **Finance Committee**      **Planning Board**  
                                 **Recommended**      **Recommended**      **Recommended**

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**ARTICLE 32**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **EAV SPECIAL PROVISIONS**

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To see if the Town will vote to amend section 5.5 of the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

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- A. Delete section 5.5.1 and place a new purpose statement under the existing title of section 5.5 – Special Provisions for Village Districts, as follows:

“Purposes – The purposes of this section are to set forth specific provisions regarding development scale and intensity in the Village Districts in order to promote compact development patterns, a mixture of housing and businesses, the preservation and vitality of small businesses, pedestrian amenities and pedestrian-scale environments, and environmentally sustainable design and construction.”

*[Note: Section 5.5.1 currently reads:*

*Purpose – The purpose of this Section is to set forth specific provisions regarding development intensity in the Village Districts in order to promote compact development patterns, preservation and vitality of small businesses; and pedestrian-scale environments.]*

- B. After the Purpose statement of section 5.5, insert a new section title as follows:

“5.5A Business Size Limits in Village Districts”

and re-number section 5.5.2 – Maximum Floor Area of Businesses and Industries, to become new section 5.5A.1, and delete the column for EAV in the table of this section and replace it with a new column for EAV as follows *[All limits are expressed in square feet. Where changes are proposed, the current floor area limits are shown in italic print]:*

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<u>PRINCIPAL USES</u>	<u>VILLAGE DISTRICTS</u>
	<b><u>EAV</u></b>
3.4.11 Commercial Education or Instruction	5,000
3.5.1 Retail Store	7,500 <i>[5,000]</i>
3.5.2 Office	7,500 <i>[5,000]</i>
3.5.3 Health Care Facility	5,000
3.5.5 Restaurant	5,000
3.5.9 Lodge or Club	5,000 <i>[NR]</i>
3.5.10 Veterinary Care	5,000 <i>[NR]</i>
3.5.12 Services	5,000
3.5.13 Repair Shop, Technical Shop, Studio	5,000
3.5.14 Building Trade Shop	5,000
3.5.15 Commercial Recreation	7,500 <i>[NR]</i>
3.5.16 Commercial Entertainment	5,000 <i>[NR]</i>
3.6.3 Manufacturing	NR
NR = No Regulation	

and, for line 3.4.11 insert the letters NR under the column headings NAV, SAV, and WAV.

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*[Note: Line item 3.4.11 is a new entry in this table. It is an allowed use by special permit in the other Village Districts, but no size limitations exist for that use in those districts. Line 3.6.3 is an existing entry in the table, but Manufacturing is not an allowed use in the EAV District. Therefore, size regulations are not applicable in this district.]*

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C. Insert a new section title 5.5B as follows:

5.5B Special Provisions for the East Acton Village District

and insert a new section 5.5B.1 as follows:

5.5B.1 Design Provisions for the East Acton Village District

- 5.5B.1.1 Purpose – In the East Acton Village District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, and jobs in a manner that is compatible with Acton’s historic development pattern and establishes pedestrian accessibility and circulation throughout the East Acton Village area in order to limit vehicular congestion. These regulations will provide clear guidance to those who would like to expand or locate businesses in the East Acton Village District. They will also ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the East Acton Village District as an attractive, pleasant, and desirable center for business, shopping, and other commercial and community activities.

The layout and design of the sites and BUILDINGS shall be conducive to pedestrian use. The purpose of the design principles herein is to provide convenient and efficient pedestrian access within the East Acton Village District; to connect the East Acton Village District via pedestrian ways to surrounding neighborhoods and facilities which are otherwise separated with landscape buffers; to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and to encourage BUILDINGS with a pedestrian oriented scale and design. For more guidance related to the layout and design of sites and buildings in the East Acton Village (EAV) District, please refer to the East Acton Village Plan as amended.

- 5.5B.1.2 The following standards shall apply to all STRUCTURES and additions to STRUCTURES for which a Site Plan Special Permit is required on LOTS in the EAV District:

- a) The Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT’S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide but wider where necessary to allow pedestrian shopping and activities to spill out onto the sidewalk. Sidewalks may be located wholly or partially within the STREET layout. If on LOTS, sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped buffer to provide both safety to pedestrians and to create the sense of village. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping and STREET design elements such as benches and shrubs, and it may consist in part of on-STREET vehicular parking spaces.

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b) Walkways – The Site Plan Special Permit Granting Authority shall require walkways among BUILDING entrances using straight and/or gently curving paths connecting BUILDINGS to BUILDINGS, BUILDINGS to STREETS, and BUILDINGS to sidewalks with minimal interruption by driveways. Parking lot aisles, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, etc.). Special features should be designed for public interaction. Benches and other places for people to wait, bicycle racks, stroller bays, and other pedestrian amenities may be required near building entrances if deemed appropriate by the Site Plan Special Permit Granting Authority. Where feasible, walkways should have some degree of enclosure achieved through the use of BUILDING fronts, trees, low hedges, arcades, trellised walks, or other means in order to positively define its space. Walkways and related pedestrian amenities on LOTS under this Section b) and the following Sections c) and d) shall be considered part of the minimum required OPEN SPACE.

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c) Connections between LOTS – The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority.

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d) Connections to EAV Surroundings – The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.

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e) The Pedestrian Plaza – Where a LOT has on it STRUCTURES totaling a NET FLOOR AREA of 30,000 square feet or more, it shall have one or more pedestrian plazas on it.

i. The combined area of pedestrian plazas shall measure at least 5% of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. At least one of the pedestrian plazas shall measure 1,500 square feet or more with a minimum side dimension of 20 feet. No pedestrian plaza shall measure more than 3,000 square feet.

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ii. The pedestrian plaza shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk and walkways. For the purpose of this Section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.

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- iii. The pedestrian plaza shall be designed open on one side to an adjacent larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, basketball hoop, game tables, or playground. Within the pedestrian plaza, at least one seating area or activity pocket shall be placed along the edge of the plaza looking into the plaza. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting and/or group activities. Where feasible, add a few steps at the edge where stairs come down or where there is a natural change in grade. Make these raised areas immediately accessible from below so that people may congregate and sit to watch the local activity. To create minor boundaries between outdoor areas and/or BUILDINGS where there is no grade change, add “sitting walls”. Sitting walls should be no higher than 16 inches and wide enough to sit on (at least 12 inches wide).
  - iv. Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of the EAV District and to mitigate fumes. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.
  - v. Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.
  - vi. A pedestrian plaza shall be considered part of the minimum required OPEN SPACE. The area required for a sidewalk shall not be included in the pedestrian plaza.
- f) Driveways and Parking Lots -
- i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
  - ii. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, to the rear of a pedestrian plaza or underground. Where parking is located to the rear of BUILDINGS with additional BUILDINGS behind, a quadrangle effect should be created allowing parking, landscaping, and walkways / bikeways within this center area surrounded on all sides by shops and activity centers.
- g) BUILDING Design –
- i. At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 20 feet of the STREET sideline. A reduction of this requirement of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.5B.1.1 of this Bylaw.
  - ii. BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing, and exterior materials. Alternative designs may be allowed provided the

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Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.5B.1.1 of the Bylaw.

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- iii. BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have setbacks only to accommodate sidewalks and/or pedestrian plazas or amenities and shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.
- iv. The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, uneven angles, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.
- v. The BUILDING front facade(s) shall be faced with materials that resemble historic New England architecture.
- vi. On the BUILDING fronts, the ground floor shall be designed to be occupied by businesses with a higher percentage of walk-in traffic (e.g., Retail Stores, Restaurants, Service related businesses, Commercial Entertainment).
- vii. The main business entrance to each ground floor business, identified by the larger doors, signs, canopy, or similar means of highlighting, shall be from the BUILDING front.
- viii. Arcades and canopies are encouraged. They shall not be considered part of the BUILDING. These arcades and canopies should be used to connect the BUILDINGS to one another so that a person can walk from place to place under shelter. Arcades and canopies may be located within the 10-foot front yard setback where the Site Plan Special Permit Granting Authority finds such placement appropriate and consistent with Section 5.5B.1.1 of the Bylaw.
- ix. The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.
- x. Except for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.5B.1.1 of the Bylaw and that they enhance one or more architectural features.
- xi. On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.

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- xii. Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.
- xiii. Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.
- xiv. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.5B.1.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.
- xv. Garage doors or loading docks shall not be allowed in the BUILDING fronts.
- xvi. BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.
- xvii. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.
- xviii. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

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, or take any other action relative thereto.

### SUMMARY

Part A of this article would revise the purpose statement for the Special Provisions for Village Districts to be more inclusive of the section's various existing and proposed elements.

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Part B would change the size limits for certain businesses in the East Acton Village zoning district. The current regulations for the East Acton Village district already limit the sizes of individual businesses. This article would amend those limits and add new limits for commercial entertainment and veterinary care, two new business uses proposed for the East Acton Village zoning district. The size limits help ensure a greater variety of smaller businesses more suitable in scale to the village setting within walking distance from one another. Part B also introduces a revised numbering system for section 5.5 and its subsections to accommodate the proposed changes for the East Acton Village district.

Part C would create a new section of the zoning bylaw to regulate site and building designs in the East Acton Village district. All parcels in East Acton Village are developed to some degree at this time. Therefore, the process of creating village character will take time and include the redevelopment of many parcels. By providing design standards and offering incentives, owners will be encouraged to redevelop their properties according to the village concepts contained in the East Acton Village Plan.

The vision is to distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A), to keep it compact, maintain its historic structures, increase business variety, and make it more pedestrian-friendly. The standards would only apply to new construction or additions, whereas existing buildings could be adapted or integrated as the circumstances allow best. If adopted, the standards would encourage:

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- pedestrian, bicycle and vehicular connectivity between businesses, residences, and recreational resources;
- buildings located closer to the front of lots with vehicular parking or additional buildings to the side or in the rear;
- new buildings in keeping with the general style of a traditional New England village; and
- buildings and streetscapes sized for pedestrian comfort with plenty of interesting storefronts and amenities, landscaping, and green spaces.

The standards focus on the relationships between people and village activities, trying to ensure that the village grows in such a way that it fosters a stronger sense of community and creates a safe, attractive, convenient, and interesting place for people to meet, work, shop, and gather. Overall, if adopted, the design standards are intended to guide future development in East Acton Village in a direction that creates a pedestrian-friendly village center unique to Acton as opposed to an assembly of strip shopping centers.

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 Selectman assigned: William Shupert: [wsos@acton-ma.gov](mailto:wsos@acton-ma.gov)

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 In addition, this article introduces a revised numbering system for section 5.5 and its subsections to accommodate the proposed changes for East Acton Village.¶

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**ARTICLE 33**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **SITE PLAN REVIEW THRESHOLD FOR EAV**

To see if the Town will vote to amend the zoning bylaw, section 10, as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

A. Delete the lead paragraph of section 10.4.1.1 and replace it with a new lead paragraph 10.4.1.1:

10.4.1.1 In the EAV, SAV, and WAV Districts, a Site Plan Special Permit shall be required in all instances

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*[Note: Section 10.4.1.1 currently reads:*

*10.4.1.1 In the WAV and SAV Districts, a Site Plan Special Permit shall be required in all instances*

*1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or*

*2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or*

*3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.]*

B. Insert a new section 10.4.3.11 as follows:

10.4.3.11 Special Provisions Applicable to the EAV District – In the EAV District the site and BUILDING design shall be in compliance with Section 5.5B of this Bylaw.

, or take any other action relative thereto.

**SUMMARY**

If adopted, this article would subject all development or building expansions greater than 500 square feet in the East Acton Village zoning district to a site plan special permit, and thus be required to adhere to the Design Provisions for East Acton Village. In more densely settled areas such as villages, small projects and additions can have a proportionately greater functional and visual impact than in other commercial and industrial areas. This article would better ensure that new development within the East Acton Village zoning district would occur in a manner consistent with East Acton Village character as described in the Village Character chapter of the East Acton Village Plan. If adopted, this article would also allow property and business owners to maintain their properties and make minor changes or renovations without sustaining the potential financial burden that could occur if the entire site had to be redeveloped at one time.

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Direct Inquiries to: Roland Bartl, AICP, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636  
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<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**ARTICLE 34      AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
**(Two-thirds vote)      EAV-2 DISTRICT**

To see if the Town will vote to amend the zoning map and bylaw, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. **Zoning Map, Map No.1.** Rezone to East Acton Village 2 (EAV-2) the following parcels of land identified by their 2003 Town Atlas Map and Parcel numbers [*Street addresses and current zoning designation are shown for reference purposes only*].

Map	Parcel	Present Zoning	Street Address
F-4	54	LB	136 Great Rd
F-4	67	LB	134 Great Rd
F-4	67-1	LB	132 Great Rd
F-4	69*	LB / R-8	129 & 133 Great Rd
F-4	69-1	LB / R-8	125 Great Rd
F-4	104	LB	128 Great Rd
G-4	10	LB	126 Great Rd
G-4	143	SM	13 Wetherbee St
G-5	82	SM	18 Wetherbee St
G-5	82-1	SM	30 & 30A Great Rd
G-5	83**	SM / EAV	1-13 Keefe Rd
G-5	90	SM	19 Keefe Rd
G-5	92	SM	21 Keefe Rd
G-5	93	SM	25 Keefe Rd

\* Rezone to EAV-2 only that portion of parcel F-4/69 that is shown as Lot 1C on a Plan of Land in Acton, Massachusetts for Distinctive Acton Homes by Stamski and McNary, Inc., dated April 4, 2003 and endorsed by the Acton Planning Board as an Approval-Not-Required-Plan on May 27, 2003 (Engineering Department plan file #3668).

\*\* Rezone to EAV-2 only that portion of parcel G-5/83 that is presently zoned SM.

- B. **Zoning Bylaw – Section 2.** In section 2.1 insert the following new zoning district classification under the heading of Village Districts:

East Acton Village 2                      EAV-2

- C. **Zoning Bylaw – Section 3.** In the Table of Principal Uses insert the following new EAV-2 column under the heading for Village Districts [*In the table below Y indicates that the use is allowed by right, N indicates that the use is prohibited, and SPA, SPS or SPP indicate that the use may be allowed by special permit.*]:

		<b>VILLAGE DISTRICTS</b>
<b>PRINCIPAL USES</b>		<b>EAV-2</b>
<b>3.2 GENERAL USES</b>		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
<b>3.3 RESIDENTIAL USES</b>		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y (3)
<b>3.4 GOVERNMENTAL INSTITUTIONAL &amp; PUBLIC SERVICE USES</b>		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	SPS
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	SPP
3.4.11	Commercial Education or Instruction	Y
<b>3.5 BUSINESS USES</b>		
3.5.1	Retail Store	Y
3.5.2	Office	Y
3.5.3	Health Care Facility	SPS (11)
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	SPS
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS
3.5.11	Animal Boarding	N

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	Y
3.5.15	Commercial Recreation (9)	SPS
3.5.16	Commercial Entertainment	Y
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N
3.5.20	Vehicle Repair	<del>N</del>
3.5.21	Vehicle Body Shop	<del>N</del>
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
<b>3.6 INDUSTRIAL USES</b>		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

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and insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

D. **Zoning Bylaw – Section 5.** In the Table of Standard Dimensional Regulations, insert the following entry for EAV-2:

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV-2	15,000	50	NR	10	10 (1)	35%	0.20	36

And add at the end of footnote (1) the words “and EAV-2”.

[Note: Footnote (1) currently reads:

(1) Where a nonresidential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV.]

E. **Zoning Bylaw – Section 6.** Insert a new section 6.9.3 as follows:

6.9.3 In the EAV-2 District, the following special provisions for parking shall apply:

- a) Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV, EAV-2, and LB zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this Section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.
- b) Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the same zoning district where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. In the case of such collective use of a parking facility, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.

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and renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become sections 6.9.4, 6.9.5, and 6.9.6, including their subsections, respectively.

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### SUMMARY

This article would establish a new East Acton Village-2 zoning district in place of the present Small Manufacturing (SM) district in the East Acton area, and on several parcels along Great Road north of Concord Road, most of which are currently zoned Limited Business (LB). The intent of creating the EAV-2 district is to discourage sprawl by concentrating development into a more intimate, centralized area (East Acton Village), surrounded by open space and less dense development (EAV-2). Creating the new zoning district would help protect environmentally sensitive areas while defining the village and better serving the social, cultural, financial, and environmental goals of the community. This article would also provide property owners in the EAV-2 zone with more flexibility in developing or redeveloping their properties.

Parts A through C of this article would assist in protecting East Acton Village from encroachment by businesses of a type and scale incompatible with a village. If this article is adopted, the allowed uses in the EAV-2 district would be similar to those in the EAV district, with the following exceptions: nursing homes and wireless communication facilities would be allowed by special permit in EAV-2 while not allowed in EAV, bed and breakfast would be allowed by special permit in EAV-2 where it is allowed by-right in EAV, and building trade shops would be allowed by right in EAV-2 while not allowed in EAV. The change to EAV-2 would largely maintain or, in the case of parcels presently zoned Small

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Manufacturing (SM), expand the variety of land use options for the affected properties, although the mix of allowed uses would change somewhat.

Part D would establish dimensional requirements for the proposed EAV-2 District. The dimensional requirements are designed to provide a transition in lot area, frontage, and setbacks to the East Acton Village. They would be less restrictive than those under the current SM or LB zoning of the affected properties.

Part E of this article would encourage shared parking by allowing a reduction of the minimum parking requirements to 70% of the otherwise required parking spaces. The purpose of this change is to reduce impervious cover (asphalt) along Great Road, minimize curb cuts to the street, eliminate potential traffic conflicts, and encourage people to park their vehicle in one place and conduct their business activity on foot.

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<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**ARTICLE 35**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **OPTIONS FOR DENSITY INCREASES IN EAV**

To see if the Town will vote to amend the zoning bylaw, section 5, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Insert a new section 5.5B.2 as follows:

**5.5B.2 Variable Density Provisions for the East Acton Village Districts**

**5.5B.2.1 Purpose** – The purposes of this section are to better distinguish the East Acton Village District visually and aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous Section 5.5B.1, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time. Vehicle parking, OPEN SPACE, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level set forth in this section. Density in the East Acton Village District shall not be considered as an end in itself, but as a prerequisite to achieve the critical mass required for a vibrant village.

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**5.5B.2.2 Variable Density Options** – For a LOT in the East Acton Village District, the Board of Selectmen may grant a Special Permit for increases in density by allowing additional NET FLOOR AREA above the FLOOR AREA RATIO of 0.20 set forth in the Table of Standard Dimensional Regulations. To increase the density, the options a) through d) set forth below may be selected and combined in a flexible manner to increase the NET FLOOR AREA up to a maximum FLOOR AREA RATIO of 0.50 on the LOT. To the extent that this Special Permit may coincide or overlap with other special permits from the Board of Selectmen in other Sections of this Bylaw, they shall be processed concurrently so far as practical:

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a) **Transfer of Development Rights** – Density on the LOT may be increased through the Transfer of Development Rights according to one or more of the methods, procedures, and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.20 on the LOT:

i. **Transfer of Development Rights under Section 5.4** – Transfer of Development Rights from the Sending District as defined in Section 5.4.2.2 to a receiving LOT in the East Acton Village District subject to the provisions for such transfers set forth in Section 5.4 and its subsections of this Bylaw.

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ii. **Transfer of Development Rights within the East Acton Village Districts** - Transfer of Development Rights from a sending LOT within the East Acton Village District or the East Acton Village 2 (EAV-2) District to a receiving LOT in the East Acton Village District. The effect of such a transfer shall be an increase in NET FLOOR AREA on the receiving LOT compensated by an equal reduction in the maximum NET FLOOR AREA, and the concurrent maximum FAR, on the sending LOT, subject to the bonus provision iii. below.

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- iii. Bonus for Certain Transfers – Where the receiving LOT within the East Acton Village District is located on the east side of Great Road, and the sending LOT is located in the East Acton Village District on the west side of Great Road or within the East Acton Village 2 (EAV-2) District, and the sending LOT contains or has stream frontage on Nashoba Brook, the receiving LOT shall be entitled to a 25% density bonus on the transferred NET FLOOR AREA. However, this bonus shall not result in exceeding the maximum FAR 0.20 factor allowed for receiving LOTS in Section 5.5B.2.2.a). For example, under this bonus, an additional 1,250 square feet of NET FLOOR AREA on the receiving LOT requires the purchase of only 1,000 square feet of NET FLOOR AREA from the sending LOT. 250 square feet constitutes the bonus.
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- iv. Determination of Development Rights for affected LOTS under Sections ii. and iii. above – Before granting a Special Permit for the Transfer of Development Rights under Section ii. or iii. above, the Board of Selectmen shall determine the total development rights for all LOTS to be affected by the proposed transfer, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, counting any development rights previously added or removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
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- v. The Board of Selectmen shall require that, upon transfer of the development rights authorized in its special permits, the owner of the sending LOT shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the sending LOT. The covenant shall restrict the sending LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- vi. Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the East Acton Village and East Acton Village 2 Districts.
- b) Historic Preservation – Density on the LOT may be increased if the proposed development includes the restoration or preservation of a historic STRUCTURE on the LOT, subject to the requirements and penalties set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
- i. Detailed Proposal – The application for a Special Permit to increase density shall include a detailed proposal for the restoration or preservation of a historic STRUCTURE, including architectural drawings, building materials, cost estimates, and an architect's opinion regarding its feasibility and risks.
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- ii. Historical Commission Certification – The application for a Special Permit to increase density shall include a written certification from the Acton Historical Commission that the STRUCTURE is included in Acton's Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending.
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iii. Historical Commission Recommendation – The application for a Special Permit to increase density shall include a written recommendation from the Acton Historical Commission stating its support for the restoration or preservation of the STRUCTURE and the methods to achieve it.

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iv. Performance Guarantee to Secure Preservation Commitment – In granting a Special Permit to increase density under this Section, the Board of Selectmen may require a performance guarantee to secure the restoration or preservation of the historic STRUCTURE.

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v. Penalty – The intentional demolition of a historic STRUCTURE, for which the Acton Historical Commission certifies that it is included in Acton’s Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending, shall result in the prohibition of any and all density increases available under this Bylaw on the subject LOT for a period of 25 years following the demolition. However, this penalty shall not apply, where the Acton Historical Commission has, prior to the demolition, provided its written consent to the demolition in accordance with its authority and jurisdiction under Chapter N of the Bylaws of the Town of Acton.

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c) Affordable Housing – Density on the LOT may be increased if the proposed development includes at least 1 affordable DWELLING UNIT or 10% affordable DWELLING UNITS on the LOT, whichever is greater, subject to the standards and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.

i. The term “affordable DWELLING UNIT” as used in this Section shall mean a DWELLING UNIT that is restricted to sale, lease or rental to persons or households within specific income and asset limitations, and at specific price limits, both as established in provisions of any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income persons or households, and that are in effect at the time that the Board of Selectmen receive the Special Permit application.

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ii. Affordability Standards – Subject to the Board of Selectmen’s approval, an applicant for a density bonus under this option may utilize an available State or Federal assistance program or choose to meet affordability requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for affordable DWELLING UNITS that are generally consistent with available affordable housing assistance programs.

iii. Affordability Restrictions – Affordable DWELLING UNITS shall be maintained as such in perpetuity. Each affordable DWELLING UNIT shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for perpetuity. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

iv. The Board of Selectmen may require that the restrictions for affordable DWELLING UNITS contain a Right of First Refusal to the Town of Acton or its

designee at the restricted resale value, and that the owner provides notice of such Right of First Refusal to the Town of Acton or its designee prior to selling the affordable DWELLING UNITS with adequate time for the Town or its designee to exercise the Right of First Refusal.

- v. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an affordable DWELLING UNIT due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an affordable DWELLING UNIT shall be enforced upon resale, re-rental, or re-lease of the affordable DWELLING UNIT. The mechanisms and remedies to enforce the restrictions governing an affordable DWELLING UNIT upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.
- vi. All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an affordable DWELLING UNIT shall be executed prior to the issuance of any building permit that will implement the increase in density authorized under the Special Permit.
- vii. Locations and compatibility of affordable DWELLING UNITS – Affordable DWELLING UNITS shall be dispersed throughout the development to insure a true mix of market-rate and affordable DWELLING UNITS. The exterior of affordable DWELLING UNITS shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS on the same LOT. All internal design features of affordable DWELLING UNITS shall be substantially the same as those of market-rate DWELLING UNITS.
- viii. Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the affordable DWELLING UNITS shall be initially offered to qualified low and moderate income households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular affordable DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the affordable DWELLING UNIT who meet the local preference criteria and the applicable income requirements.
- ix. Timing of construction – As a condition of the issuance of a Special Permit under this Section, the Board of Selectmen may set a time or development schedule for the construction of affordable DWELLING UNITS and market-rate DWELLING UNITS on the LOT.
- d) LEED certification – Density on the LOT may be increased if the proposed development is certified under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.05 on the LOT. To qualify for the density bonus for LEED certification in the East Acton Village District, a project would have to meet the LEED standards for New Construction & Major Renovation Projects.

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- B. In the Table of Standard Dimensional Regulations, delete footnote (4) and replace it with a new footnote (4) in the same locations and in the line for the EAV-2 District and the column under Maximum Floor Area Ratio, to read as follows:

(4) In the EAV District, subject to the provisions in Sections 5.4 and 5.5B.2. In the EAV-2 District, subject to the provisions in Section 5.5B.2. In the NAV District, subject to the provisions in Section 5.4 and 5.5C. In the LB District, subject to the provisions in Section 5.4.

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- C. Delete sections 5.5.3 and its subsections, and section 5.5.5, and replace them with a new section 5.5C and new subsections as follows:

*[Note: Existing section 5.5.3 and its subsection are identical to the proposed section 5.5C.1 and its subsections, except that all references to the East Acton Village District have been deleted. Existing section 5.5.5 is identical to the proposed section 5.5C.2, except for the new section title. No changes are proposed for the North Acton Village District.]*

#### 5.5C Special Provisions for the North Acton Village District

##### 5.5C.1 Variable Density Provisions for the North Acton Village District

5.5C.1.1 Purpose – These provisions are intended to permit flexible density levels for individual LOTS in the North Acton Village District, while maintaining an overall ceiling on total NET FLOOR AREA. The purpose of permitting variable density levels is to permit further clustering of USES in a compact village pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions should be interpreted as permitting the Transfer of Development Rights within the North Acton Village District, but not as permitting an increase in the total amount of maximum development in that District.

##### 5.5C.1.2 Transfer of Development Rights Within the North Acton Village District

- a) For a LOT in the North Acton Village District, the Board of Selectmen may grant a Special Permit for the Transfer of Development Rights within the District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA above the total amount permitted by:
  - i. the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and
  - ii. if applicable, any Certificate of Development Rights previously transferred to the LOT from within or from outside the District.
- b) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA for another LOT in the North Acton Village District.

##### 5.5C.1.3 Standards of Review – In deciding on the merits of a proposal for Transfer of Development Rights within the North Acton Village District, the Board of Selectmen shall consider the following criteria and objectives:

- a) Increased density on a LOT should support a sense of community through a concentration of a variety of USES; therefore, density increases should be granted only where such concentrations are compatible with surrounding USES. The implementation of this provision should tend to facilitate the development of a viable village center through the grouping of higher density USES around an identifiable core, such as a plaza, common or other municipal facility.

- b) In addition, the Transfer of Development Rights should serve a public purpose on the LOT from which development rights are to be transferred, by providing shared off-STREET parking, usable public or semi-public OPEN SPACE or other public amenities.
- c) The Board of Selectmen shall grant a Special Permit for the Transfer of Development Rights within the North Acton Village District only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

#### 5.5C.1.4 Administration

- a) Determination of Development Rights for Affected LOTS – Before granting a Special Permit under Section 5.5C.1, the Board of Selectmen shall determine the development rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the residential, nonresidential, and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any development rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
- b) The Board of Selectmen shall require that upon Transfer of the Development Rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- c) Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the North Acton Village District.

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5.5C.2 STREET reservations in the North Acton Village District – In the North Acton Village District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

, or take any other action relative thereto.

### SUMMARY

Part A of this article would establish a menu of options to increase density in the East Acton Village District above the base density of 0.20 Floor Area Ratio (FAR). As the purpose statement in the article explains, the goal is to help distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A), to keep it compact, to maintain its historic structures, to increase business

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variety, to promote a pedestrian-friendly village environment, to encourage affordable housing, and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of a related EAV warrant article, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time.

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A special permit will be required for increases in density under four options, which may be chosen individually or combined in different ways:

- Transfer of Development Rights (TDRs) from properties along Great Road outside of East Acton Village and from within the village district. These are present options in the zoning bylaw. New is a proposed bonus for transferring development rights from parcels along Nashoba Brook in the EAV and EAV-2 Districts.
- Preservation of historic structures certified by the Acton Historical Commission to be on Acton's Cultural Resources Inventory. As a penalty for the willful destruction of historic structures, the article proposes a 25-year freeze on any additional floor area on the affected lot.
- At least 10% affordable housing on the site.
- U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) program certification. LEED is a "consensus-based national standard for developing high-performance, sustainable buildings." It is a point-based system, in which projects get points for complying with certain standards that the United States Green Building Council has set forth in six areas. These areas are sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. LEED is encouraged in the East Acton Village district in an effort to ensure that new development and redevelopment is undertaken with an eye toward a sustainable future for the village.

Whichever options are chosen or combined, the maximum density is capped at a Floor Area Ratio (FAR) of 0.50. Vehicle parking, open space, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level. Density in East Acton Village is not an end in itself, but a prerequisite to achieve the critical mass required for a vibrant village.

Part B would modify an existing footnote in the Table of Standard Dimensional Regulations to reflect the changes and additions to the variable density provisions for East Acton Village.

Part C: Because Part A of this article would establish separate variable density provisions for the East Acton Village District, Part C would modify the existing "Variable Density Provisions for North Acton and East Acton Village Districts" to apply only to the North Acton Village District. In addition, Part C would renumber the existing sections 5.5.3 and 5.5.5 to complete the new section numbering system introduced in a related EAV warrant article.

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Selectman assigned: William Shupert: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Recommended	Recommended

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**ARTICLE 36**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **EAV DISTRICT PARKING REQUIREMENTS**

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To see if the Town will vote to amend the zoning bylaw, section 6, as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

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- A. Delete section 6.9.1 and its subsections, and replace them with the following new sections 6.9.1 and 6.9.2.

6.9.1 In the EAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.1.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except as may be provided otherwise in the Design Provisions for the East Acton Village District.

6.9.1.2 Required off-STREET parking for a USE may be provided on any LOT within the same Zoning District as the USE, but not necessarily on the same LOT as the USE.

6.9.1.3 Connection of Parking – A Special Permit Granting Authority shall require that all parking lots be connected by a common driveway to the parking lots of all adjacent USES and to all adjacent land in the EAV and EAV-2 Districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking lot shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

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6.9.1.4 Number of Parking Spaces – The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking lot in accordance with Section 6.9.1.5 below, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

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6.9.1.5 Collective Use of Parking Lots – Off-STREET parking lots may serve, collectively or jointly, different USES located throughout the EAV District where such a collective use of the parking lot is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking lot. The parking spaces provided through the collective use of parking lots shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.1.4 above.

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6.9.1.6 Structured Parking shall not be allowed except under ground.

6.9.1.7 The parking lot design requirements of Section 6.7 shall apply in the EAV District, except that:

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a) The requirements for parking lot cells and separation of cells (Section 6.7.1) shall not apply.

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b) The requirements for set-backs (Section 6.7.2) shall not apply. This does not waive the requirements for perimeter landscaping (Section 6.7.6).

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- c) The interior area landscaping (Section 6.7.7) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet – Bioretention (EPA 832-F-99-012, September 1999), or equivalent. The landscaping requirements of Sections 6.7.8.1 through 6.7.8.5 shall not apply to bioretention areas. Bioretention areas may be sited anywhere in the parking lot that is convenient to manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be considered part of the minimum required OPEN SPACE.

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6.9.2 In the NAV District, the following special provisions for parking shall apply:

- 6.9.2.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.
- 6.9.2.2 The Board of Selectmen may authorize by Special Permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies also within the NAV District.

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B. Delete section 5.5.4 and insert a new section 6.9.2.3 as follows:

- 6.9.2.3 The number of parking spaces to be provided for a mixed-USE development in the North Acton Village District shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.

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[Note: Section 6.9.1 and its subsections currently read as follows:¶

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<#>In the NAV and EAV Districts, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET. ]¶

[Note: Section 5.5.4 currently reads:

5.5.4 Off-STREET Parking Discount for Mixed USES in the North Acton and East Acton Village Districts – The number of parking spaces to be provided for a mixed-USE development in the North Acton and East Acton Village Districts shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.]

, or take any other action relative thereto.

### SUMMARY

Section 6 of the zoning bylaw addresses vehicle parking standards. Part A of this article would establish distinct vehicle parking standards for East Acton Village. It would reduce the number of parking spaces required for businesses in East Acton Village (EAV) to 70% of the requirement elsewhere, and allow the number of parking spaces required for businesses in EAV to be reduced to 50% of the requirement if parking is shared with other businesses. One of the goals of the East Acton Village Plan is to make the village more pedestrian and bicycle friendly. This article would encourage people visiting EAV to either walk to the village, or to park in one place and complete all their errands and activities on foot. Another goal of the East Acton Village Plan is to enhance the appearance of the village. The sight of continuous parking areas is aesthetically unpleasing and does not create the effect of a village center. If adopted, this article could also reduce driveway curb cuts along Great Road, potentially reducing traffic turning movements and conflicts between pedestrians or bicyclists and vehicles. Furthermore, research has shown that stream degradation could occur at relatively low levels of impervious cover such as parking lot pavement. Allowing fewer parking spaces would minimize impervious cover for the benefit of nearby Nashoba Brook.



The article also proposes to prohibit above-ground structured parking within the East Acton Village district. Structured parking can detract from the sense of village.

If adopted, this article would allow the consolidation of required parking lot landscaped areas into parking lot runoff bioretention areas. Bioretention areas use plants to remove pollutants from stormwater runoff. The consolidation of landscaped islands is encouraged in East Acton Village parking lots to trap and mitigate runoff from paved parking areas, create additional contiguous green space improving aesthetics and encouraging wildlife, and minimize land disturbance during development and redevelopment. Bioretention areas may be sited in such a way as to aid in traffic calming and encourage pedestrian use. They may be adjacent to and connecting with vegetated areas on the perimeter of a lot.

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Part B of this article would amend section 5.5.4, which relates to parking standards, to apply only to the North Acton Village District, and relocate it to become new section 6.9.2.3 so that it is grouped with other parking standards for North Acton Village.

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Recommended	Recommended

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**ARTICLE 37**      **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)      **MODIFIED SIGN REGULATIONS FOR EAV**

To see if the Town will vote to amend section 7 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete section 7.4.1 and replace it with a new section 7.4.1 as follows:

- 7.4.1      Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a SIGN have a wooden appearance.

*[Note: Section 7.4.1 currently reads:*

*7.4.1      Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based product or sheet metal.]*

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B. Delete section 7.4.3.5 and replace it with new sections 7.4.3.5 and 7.4.3.6 as follows:

- 7.4.3.5      In the EAV District, PROJECTING SIGNS, AWNING SIGNS, WALL SIGNS and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.

- 7.4.3.6      In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

And, renumber existing sections 7.4.3.6 and 7.4.3.7 to become sections 7.4.3.7 and 7.4.3.8 respectively.

*[Note: Section 7.4.3.5 currently reads:*

*7.4.3.5      In the Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]*

C. Delete section 7.4.5.1 and replace it with a new section 7.4.5.1 as follows:

- 7.4.5.1      Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN. However, in the EAV District, a combination of up to three such SIGN types shall be permitted per PRINCIPAL USE. This section does not apply to any SIGN that does not require a SIGN Permit as listed in Section 7.5, or to an off-premises directional SIGN permitted under Section 7.9, or to a special event SIGN permitted under Section 7.10.

*[Note: Section 7.4.5.1 currently reads:*

*7.4.5.1      Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN; not including any SIGN which does not require a SIGN Permit as listed in Section 7.5 or an off-*

*premises directional SIGN permitted under Section 7.9 or a special event SIGN permitted under Section 7.10.]*

- D. Delete the 5<sup>th</sup> sentence of section 7.7.6 and replace it with the following new sentence:

“Except in the EAV District, if the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same PRINCIPAL USE.”

*[Note: The 5<sup>th</sup> sentence of section 7.7.6 currently reads:*

*“If the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same business USE.”]*

- E. Before the last sentence of section 7.7.7 insert the following sentence:

“In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall.”

*[Note: Section 7.7.7 currently reads:*

*7.7.7 Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.]*

- F. Delete the first sentence in section 7.8.6.2 and replace it with the following new sentences:

“Where a FREESTANDING SIGN identifies a business in the NAV, SAV, or WAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT. Where a FREESTANDING SIGN identifies a business in the EAV District, one EXTERIOR SIGN shall be permitted.”

*[Note: Section 7.8.6.2 applies to village zoning districts. Its first sentence currently reads:*

*“Where a FREESTANDING SIGN identifies a business, no EXTERIOR SIGN shall be ERECTED on the same LOT.”]*

, or take any other action relative thereto.

### SUMMARY

This article would amend the regulations for signs in the East Acton Village zoning district. It would allow, in addition to the current allowed material for signs in the village, the use of “wood appearance” signs. If adopted, this article would allow the use of “gooseneck” lamps, or lighting from above, for external lighting of signs (currently gooseneck lighting is only allowed for freestanding signs in the village districts). This article would also allow businesses to choose a maximum of four exterior signs, provided that there are not more than two types of signs on the front wall of the business. If a business chooses to use a freestanding sign, the site would be limited to one other sign on the building, whereas currently no additional sign is allowed. It is anticipated that these changes, if adopted, would update and improve East Acton Village signage to aid local businesses and patrons.

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Deleted: This article would also allow, in addition to the current allowed material for signs in the village, the use of “wood appearance” signs.

Direct Inquiries to: Roland Bartl, AICP, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: William Shupert: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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**Deleted:** Selectman assigned: - E-mail:  
[bos@acton-ma.gov](mailto:bos@acton-ma.gov)

... [8]

**ARTICLE 38**  
(Majority vote)

**AMEND TOWN BYLAW – EAST ACTON VILLAGE PLAN**  
**PROHIBITION OF MOTORIZED CRAFT ON ICE HOUSE POND**

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E57 as follows:

**E57. Motorized Craft on Ice House Pond:**

Except for emergency rescue and law enforcement purposes, and for purposes of construction and maintenance by the Town of Acton or its designee, no person shall launch, place, float, use, or land a craft with an internal combustion engine in or on Ice House Pond, which pond is located off Concord Road in the East Acton area. The Police Officers of the Town of Acton shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of three hundred dollars (\$300.00), whereby each incident of violating this bylaw and each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

**SUMMARY**

If adopted, this article would ban all craft with internal combustion engines from Ice House Pond except for emergency, construction, and maintenance purposes. Ice House Pond is a favored spot for ice skating, fishing, row boating, canoeing, and bird watching. It is periodically stocked with trout for sport fishing purposes. The Pond is a Class B waterbody, so designated for the protection and propagation of fish and other wildlife, and for these types of primary or secondary recreational activities. Ice House Pond's shallow depth (+/-5 feet) and small size (12 acres) makes it unsuitable for motorized craft. Motorized craft create noise, create a wake, and release unburned gasoline and oil, which could disturb the pond's tranquility, pollute its waters, disturb or harm wildlife, contribute to shoreline erosion, and impede or eliminate the recreational activities on the pond that Acton residents and visitors enjoy.

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[planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: Robert Johnson – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>No Recommendation</b>

... [9]

**ARTICLE 39            AMEND ZONING BYLAW – SOUTH ACTON VILLAGE DISTRICT**  
**(Two-thirds vote)    MULTI-FAMILY DWELLINGS**

To see if the Town will vote to amend the zoning bylaw, section 3, by adding to footnote (2) in the Table of Principal Uses the following sentence *[Notes in italic print are not part of the article but are intended for explanation only]*:

"In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per multifamily dwelling."

*[Note: Footnote (2) applies to Multifamily Dwellings in the South Acton Village (SAV) district and the Village Residential (VR) district in West Acton. It currently reads as follows:  
(2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.]*

, or take any other action relative thereto.

**SUMMARY**

Presently, multifamily dwellings in the South Acton Village District are limited to four dwelling units per building. This article provides that the Board of Selectmen may grant a special permit for buildings with more than four dwelling units. This special permit is in addition to the site plan special permit that the zoning bylaw already requires. It is the Planning Board's belief that this change will allow the construction of larger residential buildings that are more consistent with or reminiscent of South Acton's history and architectural heritage as a 19<sup>th</sup> century manufacturing center. The added special permit affords authority and discretion for the architectural review of the proposed buildings that a site plan special permit alone may not provide. This article would not change the overall density limits for residential development in the South Acton Village district.

Direct Inquiries to: Roland Bartl, AICP, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636  
Selectman assigned: William Shupert: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Not Recommended</b>	<b>Recommended</b>
<hr/>			

**ARTICLE 40            AMEND ZONING BYLAW**  
(Two-thirds vote)    **ADJUSTMENTS TO SECTION 9B – SENIOR RESIDENCE**

To see if the Town will vote to amend section 9B of the zoning bylaw as follows: *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. Insert a new section 9B. 2.3 as follows:

9B.2.3 Underlying Zoning District – Where the Planning Board grants a special permit for a Senior Residence, the USE, dimensional, and parking requirements applicable to the underlying zoning district shall not apply.

B. Insert a new section 9B.4.3 as follows:

9B.4.3 Two-FAMILY Dwellings.

And, renumber existing sections 9B.4.3 through 9B.4.7 to become sections 9B.4.4 through 9B.4.8 respectively.

*[Note: Section 9B.4 and its subsections currently read:*

*9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:*

*9B.4.1 Single FAMILY dwellings.*

*9B.4.2 Single FAMILY dwellings with one apartment.*

*9B.4.3 Multifamily dwellings.*

*9B.4.4 ACCESSORY USES typically associated with residential USES.*

*9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.*

*9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.*

*9B.4.7 Allowed USES on the Common Land as set forth herein.]*

C. Delete section 9B.5 and its subsections 9B.5.1 through 9B.5.10 and replace them with a new section 9B.5 and new subsections as follows:

9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.

9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.

9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET within the site; 30 feet from any TRACT OF LAND boundary; and 10 feet from the Common Land boundary, except that the Planning Board may require larger setbacks.

- 9B.5.4 Minimum separation of BUILDINGS: 20 feet for exterior walls with doors, otherwise 10 feet.
- 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.
- 9B.5.6 Maximum horizontal dimension of a BUILDING: 200 feet.
- 9B.5.7 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

*[Note: Section 9B.5 and its subsections currently read:*

*9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:*

- 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.*
- 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.*
- 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.*
- 9B.5.4 Minimum separation of BUILDINGS: 20 feet.*
- 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.*
- 9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.*
- 9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.*
- 9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.*
- 9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.*
- 9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.]*

- D. Delete paragraph 9B.9.1 and replace it with a new paragraph 9B.9.1 as follows:

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9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

*[Note: Section 9B.9.1 currently reads:*

*9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:]*

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- E. Delete section 9B.9.1.2 and replace it with a new section 9B.9.1.2 as follows:

9B.9.1.2 Eighty percent (80%) of the minimum required Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each such Common Land parcel shall contain at least one access



corridor to a STREET or way that shall be not less than 40 feet wide. The other twenty percent (20%) of the Common Land may be scattered throughout the development site for buffer, screening, or park purposes.

*[Note: Section 9B.9.1.2 currently reads:*

*9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.]*

F. Delete section 9B.12.3 and replace it with a new section 9B.12.3 as follows:

9B.12.3 Density Bonus Option –

9B.12.3.1 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 6 per acre in the R-2 District, and to 4 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 10% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.

9B.12.3.2 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 7 per acre in the R-2 District, and to 5 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 15% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.

9B.12.3.3 Rounding to whole unit numbers shall be made to the nearest integer. When rounding, fractions of .5 shall be rounded up.

9B.12.3.4 The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS under this density bonus option.

*[Note: Section 9B.12.3 currently reads:*

*Density Bonus Option – The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.]*

, or take any other action relative thereto.

### **SUMMARY**

The Senior Residence development option, section 9B of the zoning bylaw, was introduced in 2000 as an alternative to standard single-family home developments in residential zoning districts and as a response to the housing needs of Acton's growing senior population including the need for affordable senior housing. This option has not been utilized, yet. Several developers have explored and discussed with Planning Department staff the use of section 9B of the zoning bylaw. During these discussions the dimensional requirements of section 9B became a concern as being too limiting to make Senior Residence housing an economically attractive and viable development alternative to single-family homes.

A recent review of conceptual development schemes on the proposed Ellsworth Village site in East Acton for a Senior Residence project under section 9B revealed this problem clearly (this site has also been proposed for a Ch. 40B affordable housing project). The site is very little constrained by wetlands or odd-shape lot inefficiencies. Yet, applying all dimensional requirements of section 9B, would not permit the 3 units per acre housing densities that the regulations purport to allow in the zoning district. This strongly suggests that changes are necessary to realize the intent of Town Meeting to generate senior housing and senior affordable housing through section 9B.

This article would adjust or clarify some of the dimensional requirements for buildings and structures, and delete others. It would also reduce the minimum common land or open space requirement to 50% (presently 60%) of the total development site, 20% of the set-aside common land could be scattered in small portions, throughout the site to create areas for buffers, screening, and small parks.

Section 9B requires a small affordable housing component of 5%, but also provides for the inclusion of more affordable dwelling units with a further increase in density. This Article would reduce the maximum density under this bonus option, adjust the requirement for affordable dwelling units accordingly, and give the Planning Board, as the special permit granting authority, the flexibility to further adjust or waive dimensional, parking, and common land requirements in order to accommodate the density increases that come with affordable housing.

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Selectman assigned: F. Doré Hunter: [fos@acton-ma.gov](mailto:fos@acton-ma.gov)

Deleted: - E-mail:

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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**ARTICLE 41 \*      AMEND ZONING BYLAW – HOUSEKEEPING**  
(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

- A. Amend the zoning map, Map No. 1, by rezoning from Residence 2 (R-2) to Village Residential (VR) an area of land shown in the 2003 Town Atlas on map F-2B as parcel 58.
- B. Amend the zoning map, Map No. 1, by rezoning from Residence 8 (R-8) to Residence 10/8 (R-10/8) an area of land shown in the 1993 Town Atlas on map F-5 as parcel 12-3.
- C. Amend the zoning bylaw by deleting sections 3.5.12 and 3.5.13 and replacing them with new sections 3.5.12 and 3.5.13 as follows:

3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, diaper service, building cleaning service, funeral home, shoe repair, tailor, clothing rental shop, equipment rental or leasing, food catering, photocopying, secretarial service, or similar USES or establishments.

3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.

*[Note: Sections 3.5.12 and 3.5.13 currently read as follows:*

*3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments.*

*3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.]*

- D. Amend the zoning bylaw, section 7.5, by deleting the last sentence of the lead paragraph and replacing it with the following new sentence:

“No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN, directional SIGN, or an EXTERIOR SIGN.”

*[Note: The lead paragraph of section 7.5 currently reads as follows:*

*7.5 SIGNS Which Do Not Require a SIGN Permit – The following SIGNS do not require a SIGN Permit or Special Permit, nevertheless such SIGNS shall comply with Sections 7.3 and 7.4 above unless specifically provided otherwise in this section. No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN or an EXTERIOR SIGN.]*

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, or take any other action relative thereto.

## SUMMARY

Part A of this article would rezone to Village Residential a +/-7500-square foot parcel of land with a building on it. The parcel's street address is 220 Central Street in West Acton. It is located between Central Street and Willow Street near the intersection of the two. Town Meeting established the Village Residential District in this area in April of 1994. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels are zoned Village Residential.

Part B of this article would rezone to Residence 10/8 a long narrow sliver of land on the northwest side of Pope Road from 150 Pope Road to the intersection with Strawberry Hill Road. The subject parcel was last identified in the 1993 Town Atlas. It has since been incorporated into several new residential lots shown in the 2003 Town Atlas on map F-5 as parcels 55 (150 Pope Road), 56 (160 Pope Road), 57 (178 Pope Road), and 58 (180 Pope Road), and on map E-5 as parcels 16-15 (115 Strawberry Hill Road) and 16-16 (186 Pope Road). Town Meeting established the Residence 10/8 District in this area in November of 1990. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels on this side of Pope Road are zoned Residence 10/8. With this change the six mentioned lots would be zoned uniformly.

Part C corrects the use definitions for 'Services' (section 3.5.12) and 'Repair Shop, Technical Shop, Studio' (section 3.5.13). A recent review of these sections revealed that a mix-up had occurred with some of the uses listed in these definitions in the 2000 Annual Town Meeting warrant when these sections were last revised as part of a complete rewrite of section 3.

Part D amends a paragraph in the sign regulations of the zoning bylaw to allow directional signs within the 5-foot front setback that applies to most other signs. Directional signs as defined in the zoning bylaw are for instance, enter / exit signs, handicapped parking signs, or street address signs.

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Selectman assigned: Robert Johnson: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>	<b><u>Planning Board</u></b> <b>Recommended</b>
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... [11]

**ARTICLE 42**      **AMEND ZONING BYLAW**  
(Two-thirds vote)    **AMEND AGRICULTURAL USE DEFINITION**

To see if the Town will vote to amend the zoning bylaw, by deleting the first two sentences of section 3.2.1 and replacing them with following new sentences:

“On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3.

*[Note: Section 3.2.1 currently reads:*

*Agriculture – On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture; floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be in conformance with the definitions and requirements for these activities of MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age.]*

, or take any other action relative thereto.

**SUMMARY**

This article would further define the meaning of “horticulture” in the definition of “Agriculture” on a parcel of more than five acres (section 3.2.1 of the zoning bylaw), and conform the definition of “Agriculture” to MGL Ch. 40A, s. 3.

Direct Inquiries to: Roland Bartl, AICP, Town Planner  
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Selectman assigned: William Shupert: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Deferred</b>

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## ARTICLE 43 AMEND ZONING BYLAW – ARC DISTRICT CHANGES

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows:

- A. Amend the zoning map, Map No. 1, by rezoning from General Industrial (GI) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map F-3 as parcels 16 and 16-1.
- B. Amend the zoning bylaw, section 5, Table of Dimensional Regulations, by deleting the line for ARC and replacing it with a new line for ARC as follows *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the ARC district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area In sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
ARC	NR	20	50	20	10	NR	NR	36
	<i>[80,000]</i>			<i>[45]</i>	<i>[20]</i>			

, or take any other action relative thereto.

### SUMMARY

This Article intends to accommodate the T. J. O’Grady Memorial Skate Park design on its chosen site on Hayward Road. Part A would rezone the +/- 1.3-acre (+/- 57,000 square feet) town-owned property at 66 Hayward Road from General Industrial District (GI) to the Agriculture Recreation Conservation (ARC) District. Part B would change dimensional requirements in the ARC District, dropping the minimum lot area requirement, and reducing the minimum yard requirements for buildings and structures from 45 to 20 feet in the front and from 20 to 10 feet in the side and rear.

Rezoning of the site from GI to ARC reflects the future recreation use of the property. Although the park would be allowed under the site’s present GI zoning, the rezoning to ARC allows for changes in the dimensional requirements that might not be appropriate for industrial uses, but are needed to accommodate the skate park. Given the site’s topography and existing wetlands constraints, the skate park with its proposed permanent concrete structures, including a series of ramps, a “bowl”, and a street course, requires reductions in the minimum setback dimensions in order to fit its design in a practical, safe, and cost efficient manner on the site. The elimination of the minimum lot size requirement is proposed because the skate board park site is too small to meet the present minimum requirement for lots with buildings or structures on them.

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Direct Inquiries to: Roland Bartl, AICP, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: Peter Ashton: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

**ARTICLE 44 \*      STREET ACCEPTANCE – BELLOWS FARM SUBDIVISION**

(Two-thirds vote)

To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the BELLOWS FARM SUBDIVISION

DAVIS ROAD – a loop road, from the previous limit of acceptance at Station 23 + 00 (1300 feet from Great Road) a distance of 6047 feet, more or less, in a generally easterly, southerly, westerly, then northerly direction to the southerly sideline of Davis Road, this being the entire road.

BRIAR HILL ROAD – from the easterly sideline of Davis Road a distance of 1259 feet, more or less, in a generally easterly direction to the easterly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

BELLOWS FARM ROAD – from the easterly sideline of Davis Road a distance of 1640 feet, more or less, in a generally northerly direction to the southerly sideline of Briar Hill Road, this being the entire road.

, or take any other action relative thereto.

**SUMMARY**

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Davis Road, Briar Hill Road and Bellows Farm Road have followed this process, and are now ready for acceptance.

Direct inquiries to: David F. Abbt, Engineering Administrator  
[engineering@acton-ma.gov](mailto:engineering@acton-ma.gov) / (978) 264-9628

Selectman assigned: William Shupert – E-mail: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

**ARTICLE 45 \*      STREET ACCEPTANCE – MAPLE CREEK FARM SUBDIVISION**

(Two-thirds vote)

To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the MAPLE CREEK FARM SUBDIVISION

WOODFIELD ROAD – from the southerly sideline of Summer Street a distance of 994 feet, more or less, in a generally southerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

SHADY LANE – from the westerly sideline of Woodfield Road a distance of 594 feet, more or less, in a generally westerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

, or take any other action relative thereto.

**SUMMARY**

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Woodfield Road and Shady Lane have followed this process, and are now ready for acceptance.

Direct inquiries to: David F. Abbt, Engineering Administrator  
[engineering@acton-ma.gov](mailto:engineering@acton-ma.gov) / (978) 264-9628

Selectman assigned: F. Doré Hunter – E-mail: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>



To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the NORTH ACTON WOODS SUBDIVISION

ALEXANDRA WAY – from the northeasterly sideline of Harris Street a distance of 1495 feet, more or less, in a generally northerly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

REEVE STREET – from the easterly sideline of Alexandra Way a distance of 574 feet, more or less, in a generally easterly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac and Parcel A (a 40-foot wide street right-of-way containing 8,584 square feet), this being the entire road.

, or take any other action relative thereto.

**SUMMARY**

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Alexandra Way and Reeve Street have followed this process, and are now ready for acceptance. Parcel A will provide for a future street connection from Reeve Street to land now or formerly of the Four Seasons Tennis Club, Inc. on Granite Road.

Direct inquiries to: David F. Abbt, Engineering Administrator  
[engineering@acton-ma.gov](mailto:engineering@acton-ma.gov) / (978) 264-9628

Selectman assigned: Robert Johnson – E-mail: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

**ARTICLE 47 \*      LAND GIFT – 190 ARLINGTON STREET**

(Majority Vote)

To see if the Town will vote to accept as a gift from Michael J. Coppolino and Paul Bevilacqua a parcel of vacant land located at 190 Arlington Street and shown as Parcel 3A-2 – 36,849 Square Feet on a plan entitled “Plan of Land in Acton, Massachusetts (Middlesex County), For: Michael J. Coppolino, dated May 28, 2002, and recorded at the Middlesex South District Registry of Deeds, Cambridge, MA as Plan 678 of 2002, said parcel is also shown on Map F-2A of the Town Atlas as Parcel 22-2, for general municipal purposes, or take any other action relative thereto.

**SUMMARY**

This is a parcel of land adjacent to Fort Pond Brook and is substantially Wetland and Flood Plain Zone. In addition, it exhibits important wildlife habitat characteristics and is located at the confluence of Fort Pond Brook and Grassy Pond Brook. This is a parcel of open space worthy of protection.

Direct inquiries to: Tom Tidman, Director of Natural Resources: [nr@acton-ma.gov](mailto:nr@acton-ma.gov) / (978)-264-9631

Selectman assigned: F. Doré Hunter – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<u><b>Board of Selectmen</b></u>	<u><b>Finance Committee</b></u>
	<b>Recommended</b>	<b>Recommended</b>

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**ARTICLE 48 \*      LAND GIFT – NORTH ACTON WOODS SUBDIVISION**

(Majority Vote)

To see if the Town will vote to accept as a gift from North Acton Woods Limited Partnership two parcels of vacant land on Alexandra Way and Reeve Street shown as Open Space Parcels A-1(14.12 acres) and C (6.62 acres), both as shown on plans recorded in the Middlesex South District Registry of Deeds (Plan No.’s 314 of 1999 and 605 of 2001), and on Map C-5 of the Town Atlas as Parcel 24, and Parcel 45, respectively, for purposes of conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry or open space, or take any other action relative thereto.

**SUMMARY**

The two open space parcels are being donated to the Town pursuant to Planning Board Decision 98-17 for the North Acton Woods Definitive Subdivision and Planned Conservation Residential Community under Section 9 of the Acton Zoning Bylaw. Open Space Parcel A-1 provides access to and abuts other land of the Town. Both parcels are associated with the recent subdivision known as North Acton Woods located on Harris Street in North Acton.

Direct Inquiries to: Roland Bartl, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: Robert Johnson – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<u><b>Board of Selectmen</b></u>	<u><b>Finance Committee</b></u>
	<b>Recommended</b>	<b>Recommended</b>

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**ARTICLE 49 \*      DRAINAGE EASEMENT – SQUIRREL HILL ROAD**

(Two-thirds vote)

To see if the Town will vote to accept as a gift from Parmley Corp., and the Trustees of The Welton Realty Trust, proposed drainage easements partially twenty (20) feet wide and partially of variable width, on lots 114, 115, and 116, said lots are numbered 33, 35, and 37 Squirrel Hill Road, as shown on a plan entitled "Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for Sweeney & Sons and dated December 2003, to be recorded at the Middlesex South District Registry of Deeds; and to abandon the Town's right, title and interest to the existing twenty (20) foot wide drainage easements on said lots taken by Eminent Domain on June 24, 1975, by an Order of Taking recorded at said Registry in Book 12831 Page 574, or take any other action relative thereto.

**SUMMARY**

An affirmative vote on this article will abandon an existing drainage easement on the west side of Lot 115 (35 Squirrel Hill Road) and create a new drainage easement on the east side of Lot 115. Two existing drain outfalls will be combined into one, and improved pollution control devices will be retrofitted to the existing drainage system in Squirrel Hill Road. The existing drainage easement at the rear of Lots 114, 115, and 116 will be enlarged to encompass the entire area traversed by the existing intermittent stream in this area. All legal and construction costs will be the responsibility of Sweeney & Sons. Plans of the proposed work are available for viewing at the Acton Engineering Department.

Direct Inquires to:

David F. Abbt, Engineering Administrator: [engineering@acton-ma.gov](mailto:engineering@acton-ma.gov) / (978) 264-9628

Selectman assigned: F. Doré Hunter – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

## ARTICLE 50 \* SIDEWALK EASEMENT – ARLINGTON STREET

(Majority vote)

To see if the Town will vote to accept as a gift from Richard Gordon and Paula Starr Gordon, a permanent sidewalk easement and a temporary 5' wide sidewalk construction easement at 294 Arlington Street and being shown as "Proposed Sidewalk Easement" and "Proposed Temporary 5' Wide Sidewalk Construction Easement" on a plan entitled "Definitive Subdivision Plan for Thunder Way, Acton, Massachusetts", dated March 31, 2003, last revised September 9, 2003, and as described more fully in a Grant of Easement to the Town of Acton, both to be recorded at the Middlesex South District Registry of Deeds, Cambridge MA, or take any other action relative thereto.

### SUMMARY

The donation of this easement is for a proposed sidewalk at this location required as a condition of approval of the Thunder Way Subdivision by the Acton Planning Board. The easement allows for the extension of the existing sidewalk on Arlington Street near West Acton Village.

Direct Inquiries to: Roland Bartl, AICP, Town Planner: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636  
Selectman assigned: F. Doré Hunter: [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

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**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
   **Recommended**                      **Recommended**

... [12]

## ARTICLE 51 \* AMEND TOWN CHARTER

(Two-thirds vote)

To see if the Town will vote to amend the Town Charter as follows:

- (1) Amend Section 4-2 by adding the following line directly below "Board of Health:"

<u>Board or Commission</u>	<u>Number of Members</u>	<u>Length of Term (years)</u>
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Board of Health (Associate Members)	2	
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- (2) Amend Section 4-2 by adding the following text paragraph under the existing table of Selectmen appointees:

The chairperson of any town board or commission with associate or alternate members may designate any such associate or alternative member to sit on the board of the agency for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular board member thereof, or in the event of a vacancy on the board, until said vacancy is filled.

### SUMMARY

This Article is the first step in amending the Town Charter by authorizing the Board of Selectmen to appoint Associate Board of Health Members and to authorize the Chairman of a Board or Commission to designate an associate member as a voting participant in cases when a full member is unavailable to vote. This article has been proposed due to the complexity of issues before the Board of Health. These issues

have increased the situations when member conflict of interests has required them to be recused from the issue. In some cases this leads to a Board without a quorum and unable to act on the issue. Should Town Meeting approve this Article it will be submitted to the voters at the first regular town election.

Direct inquiries to: Doug Halley, Health Director: [health@acton-ma.gov](mailto:health@acton-ma.gov) / (978) 264-9634  
Selectman assigned: F. Doré Hunter – [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

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And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this fourth day of March 2004.

Walter M. Foster, Chairman  
Peter K. Ashton  
F. Doré Hunter  
William H. Shupert, III  
Robert A. Johnson  
***Board of Selectmen***

A true copy, Attest:

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***Constable of Acton***

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